

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

KENNETH SHIELDS,)	
)	
	Plaintiff,	
v.)	Case No. 22-cv-134
)	
SITE CENTERS CORP.,)	
)	
	Defendants.	
)	

NOTICE OF REMOVAL

To: The Honorable Judges for the United States District Court
 For the Western District of Missouri, and

Clerk of the Circuit Court of Jackson County, Missouri

COMES NOW defendant Site Centers Corp. (“Site Centers”), by and through its attorneys of record, Baker Sterchi Cowden & Rice, LLC, of Kansas City, Missouri, and pursuant to 28 U.S.C. §§1441 and 1446, removes this action from the Circuit Court of Jackson County, Missouri to the United States District Court for the Western District of Missouri, Western Division.

As grounds for this removal, defendant states the following:

1. This is an action in which the District Courts of the United States have been given original jurisdiction under the provisions of 28 U.S.C. §1332, in that diversity of citizenship exists between plaintiff and defendants, and the amount in controversy, upon information and belief, exceeds the sum of Seventy-Five Thousand Dollars (\$75,000) exclusive of interests and costs.

2. On January 4, 2022, Plaintiff Kenneth Shields filed a Petition in the Circuit Court for Jackson County, Missouri, captioned *Kenneth Shields v. Site Centers Corp.*, Case No. 2216-

CV00102 (the “State Court Action”), alleging that he suffered personal injury as a result of an incident in which he fell after allegedly stepping into a hole in the concrete curb when entering the AMC Theater located in the Independence Commons retail complex.

3. Site Centers Corp. was served with process in the State Court Action on February 1, 2022 by way of service on its registered agent. This Notice is filed within 30 days after service upon this defendant.

4. Thirty (30) days have not expired since the defendant received copies of the initial pleading setting forth plaintiff’s claims for relief as Site Centers was served on February 1, 2022.

5. Based on the Petition for Damages filed by plaintiff, defendant reasonably believes and states that plaintiff is now, and was at the time of the commencement of this action, a resident and citizen of the State of Missouri. See Petition for Damages, Exhibit A.¶ 1.

6. Site Centers Corp. is now and was at the time of the commencement of this action, a corporation organized in the state of Ohio with its principal place of business in Ohio.

7. The amount in controversy regarding plaintiff’s claims for damages is not specifically pled in plaintiff’s Petition for Damages, however, plaintiff claims that he was injured and has suffered damages/injuries for pain and suffering, disability, permanent disfigurement and scarring, past medical treatment and services, future lost wages and lost of enjoyment of life. Further he claims that his injuries and damages are continuing.

8. On February 10, 2022, plaintiff’s counsel was sent a proposed Stipulation Regarding Claimed Damages, in which plaintiff was requested to stipulate by February 18, 2022, that the amount in damages claimed by plaintiff in this action including, but not limited to, personal injuries (mental or physical), pain and suffering, and any and all damages, whether compensatory, consequential, punitive, or otherwise, does not presently, and will not in the

future (including at the time of trial), exceed \$75,000 exclusive of interest and costs. A copy of this correspondence and proposed Stipulation are attached hereto as Exhibit B. On February 10, 2022 plaintiff's counsel confirmed in an email that plaintiff will not execute the Stipulation. See email, attached hereto as Exhibit C. For all of these reasons, defendant believes that more than \$75,000.00 is in controversy, and therefore the amount in controversy requirement of 28 U.S.C. § 1332(a) is satisfied.

10. The United States District Court for the Western District of Missouri, Western Division is the appropriate court for filing a Notice of Removal from the Circuit Court of Jackson County, Missouri where the action is pending. Accordingly, defendant Site Centers seeks to remove this action to the United States District Court for the Western District of Missouri, Western Division.

11. Pursuant to 28 U.S.C. §1446(a), copies of all pleadings, process and orders served upon defendants in this action are attached hereto and marked as Exhibit A.

12. Pursuant to 28 U.S.C. §1446(d), defendant has served a copy of this Notice of Removal upon all adverse parties contemporaneously with the filing of this Notice of Removal.

13. Pursuant to 28 U.S.C. §1446(d), defendant has served a copy of this Notice of Removal on the Clerk of the Circuit Court of Jackson County, Missouri.

14. Pursuant to U.S.C. §1411(a), defendant hereby demands a trial by jury on all issues so triable.

WHEREFORE, defendant Site Centers Corp. removes this action from the Circuit Court of Jackson County, Missouri to the United States District Court for the Western District of Missouri, Western Division.

Respectfully Submitted,
BAKER STERCHI COWDEN & RICE, LLC

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of February, 2022, the above and foregoing was filed with the Court using the Court's electronic filing system which serves copies on counsel of record and a copy was sent electronically to the following:

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ATTORNEY FOR PLAINTIFF

/s/ Gregorio V. Silva